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Letter dated 2 July 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 10 April 2002 (S/2002/389).

The Counter-Terrorism Committee has received the attached supplementary report from Slovakia (see annex), submitted pursuant to paragraph 6 of resolution 1373 (2001).

I would be grateful if you could arrange for the present letter and its attachment to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established pursuant
to resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 19 June 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Slovakia to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

On instructions from my Government, I hereby have the honour to forward the reply to the comments/questions of the Counter-Terrorism Committee with respect to the report of Slovakia submitted on 19 December 2001 pursuant to paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001. Comments and questions were contained in your letter dated 27 March 2002.

The Slovak Government is ready to provide the Committee with further information if necessary or requested by the Committee.

(*Signed*) Klára Novotná
Ambassador
Chargé d'affaires a.i.

REPLY OF THE GOVERNMENT OF THE SLOVAK REPUBLIC TO THE ADDITIONAL QUESTIONS/COMMENTS OF THE COUNTER-TERRORISM COMMITTEE ON REPORT OF THE SLOVAK REPUBLIC SUBMITTED ON 19 DECEMBER 2001 PURSUANT TO PARAGRAPH 6 OF SECURITY COUNCIL RESOLUTION 1373 (2001) OF 28 SEPTEMBER 2001

Bratislava, 18 June 2002

Sub-paragraph 1 (a):

Could Slovakia please explain whether the measures referred to in connection with this sub-paragraph permit the freezing of the deposits and funds of individuals and groups connected to terrorism other than UNITA and the Taliban.

Measures referred to in sub-paragraph 1(a) along with this Decree of the Slovak Government, allow only freezing of the deposits and funds of UNITA and the Taliban-related individuals and groups and their relatives. This Government decree was adopted on 3 April 2002 and entered into force on 6 June 2002.

However, the provision of Article 56a of the Foreign Economic Relations Act No. 42/1980, vests power with the Government of Slovakia to adopt such decrees regarding any entity should the UN Security Council decide on specific sanctions.

By its Resolution No. 419/2002 of 24 April 2002, the Slovak Government approved a draft law on international sanctions maintaining international peace and security (Sanction Act), which comprehensively addresses the implementation of sanctions imposed by the UN Security Council as well as the Council of the European Union through decrees of the Government. The Slovak Parliament will consider this draft law by September 2002. Prior it's entering into force, the above-mentioned Act No. 42/1980 is applicable.

Please provide outlines of and progress reports on any further decrees of the kind referred to in relation to this sub-paragraph.

Currently, an amendment to the Government decree is under preparation. It will update the list of UNITA and the Taliban entities subject to sanctions. In this respect, no other Government decrees are envisaged.

However, measures designed to implement sub-paragraph 1(a) of the Resolution 1373 (2001) include administrative measures adopted by the Financial Police of the Slovak Police Force Presidium which in co-operation with other organisational units of the Police Force Presidium (notably Counter-Terrorism Department of the Office of Organised Crime subordinated to the Criminal and Financial Police of the Police Force Presidium) drew up the list of entities (individuals, companies, organisations, foundations and associations) suspected of terrorism and/or supporting terrorism. This list was provided to banks and branches of foreign banks operating in Slovakia, to investigate whether or not such entities operate in the Slovak Republic. The financial institutions pay special attention to suspicious accounts and immediately report relevant findings (unusual financial transactions) to the Financial Police. Findings are regularly assessed. So far, no activity of these entities has been detected in Slovakia.

Sub-paragraph 1 (b):

What is the extent of the competence of your courts to deal with terrorist acts, or preparations for terrorist acts, that occur outside your territory?

With respect to crimes of terror under Articles 93, 93a of the Slovak Penal Code, the law stipulates universal jurisdiction of Slovak courts irrespectively of the place where such crime was committed and irrespectively of the perpetrator. The same applies to criminal offences of unauthorised production and possession of nuclear material and highly risky chemical substances under Articles 186 and 187. In respect of other terrorist criminal offences (endangerment of the safety of aircraft or civilian vessel under Article 180a, hijacking of aircraft and keeping it abroad under Article 180c, prohibited acquisition or possession of firearms under Article 185, establishing, masterminding and supporting a criminal group under Article 185a, taking of hostages under Article 234a, legalisation of proceeds of crime under Article 252, etc.) if committed outside the territory of the Slovak Republic, Slovak courts have jurisdiction only if such crime was committed by a Slovak national or a person having permanent residence in the Slovak Republic or if such crime was committed abroad by another person and the act is considered a criminal offence under penal law applicable where the crime was committed and the perpetrator was captured in the Slovak Republic and was not extradited.

In respect of proposed new criminal offences under Articles 94 and 185, paragraph 2 (see the answer to the second question under this item), universal jurisdiction of Slovak courts will be also established.

Please provide a progress report on the incorporation into Slovak law of the International Convention on the Suppression of the Financing of Terrorism.

By its resolution No. 328/2002 of 3 April 2002, the Slovak Government approved a proposal for an amendment to the Penal Code, which introduces new elements of crime of "terrorism" (within the meaning of the provisions of Article 2, paragraph 1, sub-paragraphs a), b), paragraphs 4 and 5 of the Convention)

(1) "Any person who with the intention to intimidate a population, seriously destabilize or destroy the constitutional, political, economic or social system of a country or an international organization, or to compel a Government or an international organization to do or abstain from doing any act, threats to commit or commits intentionally a serious crime against life, health of people or property, shall be sentenced from twelve to fifteen years of imprisonment or shall be punished by an extraordinary sentence and forfeiture of property.

(2) The perpetrator shall be punished by an extraordinary sentence and forfeiture of property if:

a) He commits the criminal offence referred to in paragraph 1 as a member of terrorist group,
b) He commits such offence in an extraordinarily brutal manner,
c) The offence causes serious bodily injury or death of several persons,
d) He commits such offence against constitutional representatives, persons protected by international law, the armed forces, armed security corps or armed corps.

In the Slovak Republic, the act of financing of terrorism constitutes a crime under Article 7 (preparation for a crime), Article 10 (participation in a criminal offence), and/or Articles 252, 252a (the crime of legalisation of proceeds of crime). In its Article 89, paragraph 28, the new amendment to the Penal Code also defines the term "terrorist group" as a group of at least three persons set for an indefinite period of time having the objective to commit a crime of terror or terrorism. In addition to this, Article 185a (establishing, masterminding and supporting a criminal group) of the amendment introduces the crime of establishing, masterminding, supporting and caring out activities for a terrorist group (Paragraph 2 of Article 185a) With respect to this crime the amendment establishes a sentence of form five up to fifteen years if imprisonment along with the sentence of forfeiture of property.

The provision of Article 199 (crime of dissemination of a false alert) was modified so that it allows criminal responsibility of persons sending a fake anthrax even without any accompanying text.

The above-referred criminal offences are considered as serious crimes. Further, they were established as criminal offences subject to a limited possibility of conditional release and non-applicability of statute of limitations. Immunity from prosecution is allowed only on the basis of timely effective repentance by voluntarily and timely reporting of a criminal offence or preventing or rectifying harmful consequences.

Articles 55 and 73 extend the scope of the sentence of forfeiture of property also to assets that could be used to finance terrorism. Some other related provisions of the Penal Code were also modified appropriately, notably Article 185b, which governs the criminal non-responsibility of the perpetrator in respect of establishing, masterminding and supporting a criminal group or a "terrorist group" and Article 185c on the participation of agent in a criminal or "terrorist" group.

The obligations set forth in Article 7, paragraph 2, subparagraphs a) to e) of the International Convention for the Suppression of the Financing of Terrorism are implemented in the provisions of Chapter III (Articles 17, 18, and 19) – Scope of Penal Legislation and by the provision of new Article 94 of the Penal Code (terrorism).

In respect of the introduction of liability of legal persons in accordance with Article 5 paragraph 1 of the Convention, the existing Slovak legal system allows imposing administrative sanctions (monetary sanctions, and/or withdrawal of licences). The envisaged re-codification of the Penal Code (year 2003) will also introduce criminal responsibility of legal persons.

International co-operation and legal assistance in criminal proceedings under Articles 9 to 17 of the Convention are already governed by the existing legislation – the relevant provisions of the Code of Criminal Procedure.

With the view of the implementation of the Convention, the Government by its resolution No. 408 of 24 April 2002 approved certain amendments to the Money Laundering Act No. 367/2000, concerning among others:

- Widening the number of obligated persons pursuant to Article 3 of the Act;
- Identification and detection of the beneficial owner of funds;
- Period during which an unusual financial transaction can be suspended;

- Introduction of the provision on non-application of legal responsibility where certain obligations under this law imposed on the obligated persons are carried out in good faith.

The amendment also specifies the minimum amount when the obligated person is obliged to identify any natural or legal person when preparing or carrying out the business transaction. The amendment lays down this amount at Euro 15 000. The obligated person may decline to carry out such transaction. The period during which all necessary documents on domestic and international transactions are to be kept was specified for 5 years and thus it is provided for the implementation of the obligations resulting from Article 18, paragraph 1, subparagraph b) iv of the Convention.

The amendments to the Penal Code and Act No. 367/2000 are expected to be adopted by the Slovak Parliament in June 2002 and to come into effect as of 1 July 2002 and 1 September 2002 respectively.

Sub-paragraph 1 (c):

Please explain whether, and if so, by what means, the Slovak Republic can freeze funds/assets which are suspected of having terrorist links, without the need for a request of the SC, either on its own initiative or upon request of another country/international organisation.

The existing Slovak legislation allows to freeze funds/accounts suspected of having terrorist links on the basis of a decree of the Slovak Government which may be issued in accordance with Article 56a of the Foreign Economic Relations Act No. 42/1980 following a decision of the UN Security Council on particular sanctions After the adoption of new Sanction Act, the Slovak Government will be empowered to issue decrees also on the basis of decisions of the Council of the European Union.

On the basis of a decision taken by another country, funds may only be frozen and subject to forfeiture in judicial criminal proceedings.

In judicial criminal proceedings, Article 79c of the Code of Criminal Procedure allows to freeze funds (if they are considered important for the criminal proceedings) in an account. This also applies to funds/assets related to terrorist activities. The presiding judge or prosecutor in pre-trial procedure may order such measure. The Code of Criminal Procedure also allows the prosecutor to issue such order even not within the pre-trial procedure where there is an urgent need and the decision is subsequently confirmed by the judge within 3 days. The order must be in writing and justified. It must specify the amount of funds and currency. The order also includes a ban on any disposal of the frozen funds. When funds are no longer needed to be frozen for the purpose of the criminal proceedings, such order shall be cancelled and/or restricted up to a necessary amount. The order must be delivered to the relevant bank. The same procedure applies to the requests of foreign courts and authorities (Chapter 24 of the Code of Criminal Procedure).

Is the making of the decrees mentioned in relation to sub-paragraph 1 (c) dependent on specification by the UN or any other body or particular persons?

Yes, it is. Under the existing Slovak legal system a decree of the Slovak Government may only be issued upon a decision of the UN Security Council (or the Council of the European Union once the Sanction Act is adopted).

Is the operation of any such decrees dependent on the specification in them of the names of particular persons or are they capable of application generically?

The Slovak Government decrees adopted and issued on the basis of Article 56a of the Foreign Economic Relations Act No. 42/1980 do not need to identify persons subject to international sanctions (Article 56a only refers to examples) and such decrees may also impose requirements, prohibiton or any other restrictions specified in the relevant decision of the UN Security Council, which imposes international sanctions under Article 41 of the UN Charter. However, the Slovak Government decree of 3 April 2002 concerning the movements of UNITA and the Taliban contains such specification of persons.

Could Slovakia please confirm whether the controls mentioned in this answer apply only to "interest" or whether they also apply to capital.

The provision of Article 56a of Act No. 42/1980, on the basis of which the accounts of sanctioned entities can be frozen, also applies to interest and capital.

Sub-paragraph 1 (d):

As there is a likely to be uncertainty as to the correspondence between acts which are considered offences under the Resolution and offences existing under the current penal laws, is there a proposal to create a separate law relating specifically to acts of terrorism, or actions related thereto, so as to achieve compliance with the Resolution? (It is noted that, in the answer under sub-paragraph 2 (f), Slovakia intends to import the definitions of "terrorist act" and "terrorist group" into its own Penal Act and Criminal Procedure Code. It would be useful to receive a progress report on this development).

See answer to sub-paragraph 1 (b).

Please describe any surveillance and control mechanisms that Slovakia has put in place to ensure that funds for the financing of terrorism are not channelled through charitable, religious or cultural organisations.

Act No. 367/2000 on the legalisation of proceeds of crime governs the rights and obligations of natural and legal persons in respect of the prevention of legalisation of proceeds of crime and its detection. The amendment to this law, which is expected to come into effect as of 1 September 2002, has extended the definition of unusual business transaction (the provision of Article 4 of the Act) to activities in the field of the financing of terrorism. "Unusual business transaction" is defined as a legal act or any other act indicating that the carrying out of such act could result in the legalisation of proceeds of crime or financing of terrorism". This means that the reporting to

the Financial Police on unusual business transactions will also apply to the suspicions about financing of terrorism.

Articles 252 and 252a of the Penal Code also govern the crime of legalisation of proceeds of crime.

Under Article 56a paragraph 2 of Act No. 42/1980 as amended by Banking Act No. 483/2001, any person is obliged to comply with the international sanctions imposed by the UN Security Council, including charities, religious or cultural organisations. Such organisations are registered with the Ministry of Interior of the Slovak Republic.

The administrative measures referred to in the answer to the second question under sub-paragraph 1 (a) are also implemented in order to prevent these activities.

Sub-paragraph 2 (a):

Does article 185a of the Penal Code apply both to groups found within Slovakia and groups formed outside for the purpose of perpetrating terrorist acts?

The existing Article 185a of the Penal Code applies to groups found within the territory of the Slovak Republic and within the scope of the jurisdiction of Slovak courts it also applies to groups formed abroad. The scope of jurisdiction of Slovak courts is explained under sub-paragraph 1 (b) above.

Following the adoption of the amendment to the Penal Code, which will introduce the crime of establishing, masterminding and supporting a terrorist group under Article 185a paragraph 2, the principle of universality will apply.

Please could Slovakia clarify what is meant by "weapons of mass efficiency". Does this mean weapons of mass destruction or simply weapons such as machine guns and hand grenades?

The Slovak legal system distinguishes two terms:

1. Under Article 185 of the Penal Code "weapon of mass efficiency" means a weapon that when normally used may kill several people at the same time or cause serious bodily injury to several people (for instance, hand grenades, machine guns, etc.). However, rifles, pistols and other similar weapons that after one loading can shoot several times in a row (so-called repeating weapons) are not considered weapons of mass efficiency.
2. Under Act No. 179/1998 on trading in military material, "weapon of mass destruction" means nuclear, chemical or biological weapon.

Please elaborate on the measures taken so far to prevent the recruitment to terrorist groups and the supply of weapons to terrorists.

The Penal Code contains legal provisions designed to prevent recruitment for terrorist groups and supplies of weapons to terrorists. These provisions govern:

A. Crimes of establishing, masterminding and supporting a criminal group. Following the adoption of the amendment to the Penal Code, such provisions will also apply to terrorist groups (Article 185a, paragraph 2). Certain forms of criminal co-operation are also punishable under criminal law, notably incitement (to commit the above-mentioned crime) under Article 164, advocating a criminal offence (Article 165), abetting a criminal offence (Article 166), and failure to report a crime (Article 168). It is also possible to punish acts advocating and promoting a movement towards the suppression of the rights and freedoms of citizens (Articles 260, 261).

B. Crime of prohibited acquisition and possession of firearms (Article 185) where, as of 1 August 2001, the sentence was increased to form 1 up to 5 years of imprisonment (in respect of a perpetrator who without having an appropriate licence produces or acquires a firearm for himself or any other person or possesses such firearm; an alternative pecuniary punishment or confiscation may also be applied), from 2 to 8 years of imprisonment (for perpetrators who without having an appropriate licence acquires a weapon of mass efficiency for himself or any other person or possesses such weapon or components that are necessary for the use of such weapon or collects, produces or acquires firearms, ammunition or explosives for himself or any other person, or who designs, constructs or uses an establishment for the production of firearms), from 3 to 10 years where such crime was committed to the grater extent, in an organised group or during the state of emergency and form 5 to 12 years where such crime was committed to the great extent or in connection with an organised group operating in several countries;

C. Crime of prohibited production and possession of narcotic drugs, psychotropic substances, poisons, precursors and dealing in such substances (Articles 186, 187);

D. Crime of prohibited production and possession of nuclear materials (including radioactive materials) and highly risky chemical substances (Articles 187a, 188).

In addition to the provisions of the Penal Code, this issue is also governed by Act No. 179/1998 on trading in military material. The amendment to this Act, which came into effect on 1 February 2002, introduced stricter conditions and requirements in respect of trading in military material. The amendment also eliminated the existing shortcoming that allowed importing and exporting of military material and weapons without any licence under the refurbishing regimes. The Act also specifies the role, the powers and responsibilities of the Licensing Commission operating within the Slovak Ministry of Economy, which grants licences for import, export and other handling of military material. As of 1 March 2002, the Slovak Customs Administration is also represented in the Commission. This arrangement has significantly enhanced the legal involvement of customs authorities in respect of the control of trading in military material. Under this Act, a financial sanction from ten thousand up to ten million SKK (Slovak koruna; 1 USD = 48 SKK) may be imposed according to the gravity of the offence.

Act No. 26/2002 on the conditions of import, export or brokering of goods or technology subject to international control regimes came into effect on 1 February 2002. It is also aimed to prevent illegal sale and supply of dual-use goods. The Act also introduced obligation to apply for licence for refurbishing import. A violation of obligations under this Act may be sanctioned by a financial penalty up to 10 million SKK or threefold of the price of goods should this be more than SKK 10 million or forfeiture of goods. In addition to these sanctions, a violation of any ban or restrictions regarding the handling and disposal of controlled goods, the unlicensed export of

controlled goods or transfer to another country or foreign organisation and/or any other violation of the provisions of this Act may be considered as crime of violation of regulations on the disposal of controlled goods and technology under Articles 124a, 124b and 124c of the Penal Code, which may be sentenced from 3 to 8 years of imprisonment, pecuniary punishment, forfeiture of property or prohibition of activity.

The purpose of the Sanction Act (see answer under sub-paragraph 1 (a)) in this area is to eliminate the shortcoming of the existing legislation, notably in respect of trading in goods that are not subject to licensing procedure as well as sanctions on services and financial transactions.

Administrative measures in this area include measures carried out by the Office of Organised Crime of the Criminal and Financial Police Administration, which is part of the Police Force Presidium, in co-operation with the Military Intelligence and the Slovak Intelligence Service to prevent supplies of weapons and related military material of any kind to persons and organisations subject to sanctions.

Sub-paragraph 2 (b):

Please provide further information on the early warning system mentioned in sub-paragraph 2 (b).

International co-operation and information exchange (including the early warning system) are based on bilateral international agreements, including agreements on legal assistance. These are mainly agreements concluded with the neighbouring countries, the member states and institutions of the European Union. The exchange of information regarding the fight against terrorism is channelled via the National Centre of Interpol. The existing legal and institutional instruments are also used, including co-operation with Interpol, Europol and the FBI. Since November 2001, the Slovak Republic has been collaborating with all the EU Member States, Switzerland and Norway within the Working Group for Terrorism (PWGT) – as it was already specified under sub-paragraph 3 (a) of the Slovak Republic Report for the CTC. The priorities of this Working Group include operational co-operation involving competent operational services responsible for the fight against terrorism. The Group also creates and supports a network of liaison officers, organises specialized internship programmes and training for policemen. Should the need be, direct contacts are established with foreign counterparts via liaison officers, police attachés and/or meetings with counterparts in the partner neighbouring countries in order to provide for the flow and exchange of information.

As of 1 December 2001, the co-operation among police authorities is possible also on the basis of the Police Force Act No. 171/1993, notably Articles 77a, 77b and 77c of Chapter Six of the Act governing relations between the Slovak Police Force and state authorities, municipalities, natural and legal persons and other countries, organisations and authorities. Under the provisions of Article 77a

(1) Police Force co-operates with the police forces of other countries, international police organisations, international organisations and organisations operating in other countries mainly by means of the exchanges of information, liaison officers and/or other means.

(2) Police Force may carry out its tasks and duties also outside the territory of the Slovak Republic in accordance with international agreements binding upon the Slovak Republic or agreements of the involved parties.

(3) To carry out the tasks and duties of the Police Force also outside the territory of the Slovak Republic, the Ministry of Interior of the Slovak Republic may place policemen with international police organisations, police forces of other states, international peace-keeping missions, operations of civil crisis management or upon agreement with the Ministry of Foreign Affairs policemen may be placed with the embassies, consulates and missions of the Slovak Republic or international organisations.

Under the provisions of Article 77b

(1) A policeman is authorised to operate within the territory of another country

a) In accordance with the conditions of, within the scope and by means laid down by international agreements binding upon the Slovak Republic;

b) Upon a decision of the Slovak Government on participation in peace-keeping operations in line with the decisions of an international organisation of which the Slovak Republic is a member or with which the Slovak Republic entered into relevant agreements or

c) If he was sent to carry out the tasks and duties of the Police Force on the basis of a decision of the Slovak Interior Minister and upon the consent or request of the relevant authorities of the other country.

Under the provisions of Article 77c

(1) In accordance with the terms and conditions of, within the scope of and by means laid down by an international agreement binding upon the Slovak Republic, a policeman of other country may apply the powers and carry out the duties of policeman within the territory of the Slovak Republic.

(2) In the absence of such international agreement, if the implementation of Police Force tasks and duties require so, a policeman of another state may be used within the scope laid down by this Act if the Slovak Interior Minister or a person authorised by him gave his consent and the relevant authority of the other country agreed to this. Such policemen may be used

a) In the capacity of agent or undercover agent,
b) To carry out a false transaction,
c) To pursue persons and things or
d) To deploy information-and-technical means and trap and alarm devices.

(3) The operations of the policemen of the other country in respect of tasks and duties referred to in sub-section 2 are guided and controlled by a policeman.

Within the scope of their competence in this area, the customs authorities set up and operate information systems designed to collect and process data obtained in the area of control carried out by the customs authorities. In order to fight international terrorism efficiently, the customs authorities actively co-operate with their counterparts in other countries.

Please provide the CTC with information on the mechanism for interagency cooperation between the authorities responsible for narcotics control, financial tracking and security with particular regard to the border controls preventing the movement of terrorists.

As already mentioned above, the information systems set up and operated by the customs authorities. They are designed to gather and process relevant data. In operations, the customs authorities actively co-operate with their counterparts in other countries as well as with other bodies of state administration in the Slovak Republic having responsibilities in this area.

On the basis of the order of the President of the Slovak Police Force that strengthened the service, intensified control operations and measures designed to check the locations where aliens from the area concerned may occur, stricter controls of persons and transport vehicles are carried out in co-operation with the customs authorities at border crossings. Patrol operations in respect of the protection of the state border as well as security measures at public airports have been strengthened. The AFIS (Automated Fingerprint Identification System) has been installed at the border checkpoints. Under Article 5 paragraph 4 of the Refugee Act No. 283/1995, an alien applying for the status of refugee may be examined for his fingerprints. Where an alien illegally entering the territory of the Slovak Republic is detained, his identity is screened through the register of terrorists at the nearest border crossing.

Upon the Order of the President of the Police Force No. 50 of 11 September 2001 regarding the implementation of tasks and duties in the aftermath of the terrorist attacks on the USA, the Office of Border and Alien Police of the Presidium of the Police Force adopted special measures. The above-referred order is confidential and contains measures designed to acquire information on potential perpetrators and/or organisers of terrorist attacks, to monitor security situation and conditions in the Slovak Republic, particularly weapons, explosives and ammunition, to protect strategic facilities and monitor targeted groups that could have links with terrorism. When carrying out these duties, the Office of Organised Crime of the Administration of the Criminal and Financial Police of the Police Force Presidium co-operates with the Slovak Intelligence Service and Military Intelligence.

Counter-Terrorism Department of the Office of Organised Crime working with other organisational units of the Police Force Presidium, particularly the Office of the Financial Police of the Administration of the Criminal and Financial Police of the Police Force Presidium regularly investigates whether or not persons included in the list drew up by the Office of the Financial Police (see answer to the second question under sub-paragraph 1 (a)) operate in the Slovak Republic.

In early April 2002, the TRACKER communication and information system was introduced to process and assess information on transactions of military material and dual-use goods as well as direct communication between the involved ministries and agencies.

Under Article 72a of the Police Force Act No. 171/1993

(1) The Minister of Finance of the Slovak Republic and the Governor of the National Bank of Slovakia (hereinafter referred to as "the Governor") may ask the Minister of Interior for the implementation of tasks and duties by the Financial Police in the area of the detection of tax evasion and illegal financial transactions or legalization of proceeds of crime where the

Ministry of Finance or the National Bank of Slovakia do not have sufficient capacity or capability to carry out such tasks and duties. This does not apply to the matters of tax evasion and illegal financial transactions or legalization of proceeds of crime related to the violation of customs regulations.

(2) To implement tasks and duties referred to in sub-section 1, the Minister of Finance or the Governor shall provide the Financial Police with necessary information.

(3) The Financial Police shall provide the Minister of Finance or the Governor with information gained when implementing tasks and duties referred to in sub-section 1 or other service operations where such information is necessary for the operation of the Ministry of Finance or the National Bank of Slovakia.

Sub-paragraph 2 (c):

The answer in relation to this sub-paragraph refers specifically to a proposed Asylum Law. Please clarify whether there are any provisions under existing laws which exclude from access to Slovakia persons of the kind mentioned in sub-paragraph 2 (c) of the Resolution who are not asylum seekers.

Conditions for entering the territory of the Slovak Republic for aliens as well as the conditions for their residing in the Slovak Republic are governed by Act No. 48/2002 on the residence of aliens. Under the provisions of this law, the territory of the Slovak Republic may only be entered by a person with a valid travel document and Slovak visa or a travel document and a residence permit. In addition to this, the territory of the Slovak Republic may only be entered at a border crossing assigned for international traffic during working hours. Upon entering the territory of Slovakia, an alien is obliged to undergo a border control and present documents in compliance with Article 4 upon request. The Act authorises police to performing border control to cancel visa where

1. Alien is an undesirable person,
2. There is a justified suspicion that the alien would endanger the state security, public order, the heath or rights and freedoms of others.

Under Article 6, police shall deny entry into the territory where

1. Alien is an undesirable person,
2. It is necessary for the state security, the maintenance of public order, the protection of health and rights and freedoms of others,
3. Alien does not comply with the requirements for entry,
4. Alien rejects to undergo a border control or fails to submit necessary documents,
5. There is a justified suspicion that the alien would abuse his stay for a purpose other than stipulated by international agreements, the Slovak Government or the purpose for which he was granted the visa.

Any entry by an alien from a third country subject to visa requirements is checked against the register of the undesirable aliens. Where the alien is listed in the register, his entry to Slovakia is denied. The register of the undesirable contains all aliens who have been deported from the Slovak Republic and prohibited from entering the country. The register of the undesirable is updated on a daily basis and the time of entry prohibition is set individually according to the time specified in the decisions on deportation of alien.

Police units operating at border crossings keep records called "TERROR". This is a database of terrorists or suspected terrorists. Any alien from a third country subject to visa requirements is checked against this database. In addition to these records, the AFIS system described in answer to question under sub-paragraph 2 (b) is run.

However, under Article 7 entry to the country may not be denied to an alien who during his border control applied for the status of refugee in the Slovak Republic, the provision of interim asylum in the Slovak Republic or who was issued a travel document of alien.

Sub-paragraph 2 (d):

Is there a provision for expelling or extraditing groups planning terrorist acts against other states?

The extradition of groups planning terrorist acts against other countries is governed by Articles 379 to 389 of the Code of Criminal Procedure. However, if there is an international agreement binding upon the Slovak Republic, such agreement takes priority over national legislation.

According to the provision of Article 21 of the Penal Code, a Slovak national may also be subject to extradition if such obligation is established in applicable international agreement or a decision of an international organisation that is binding upon the Slovak Republic.

The term "expulsion" has two meanings in the Slovak legal system:

A. Administrative procedure – the expulsion of an alien from the territory of the Slovak Republic. The conditions and requirements in respect of expulsion are governed by Act No. 48/2002 on the stay of aliens;
B. Sentence under Article 57 of the Penal Code.

Re A.: Article 56 if Act No. 48/2002 on the stay of aliens stipulates that "administrative expulsion is a decision of a police unit on the termination of the stay of an alien specifying a period during which he is to leave the country and a period during which he is prohibited from entering the country. Mass expulsion of aliens on the basis of a single decision is not permitted. Under Article 57, the grounds for administrative expulsion include:

(1) The police unit shall expel an alien and specify prohibition to enter the country

a) For ten years where he/she

1. Endangers the security of the state, public order, the health or rights and freedoms of others or nature or
2. Was sentenced for a intentional criminal offence and the sentence of expulsion was not imposed;

b) For five years where he/she:

1. Violated regulations on narcotic drugs and psychotropic substances,
2. Submitted false or altered documents upon control under this law,

3. Carries out activity other than the activity for which the permit for interim residence was issued,
4. Married with the intention to acquire a residence permit,

c) For from one up to five years where
1. He/She entered or resides in the Slovak Republic without an authorisation,
2. He/She rejects to prove his/her identity in a reliable manner,
3. He/She resides in the Slovak Republic on the basis of an international agreement or a decision of the Slovak Government and acts in contradiction with such international agreement or such decision,
4. He/She intentionally provided false or incomplete information in proceedings for residence permit,
5. It comes to the knowledge of the police unit that the purpose for which the interim residence permit was granted to the alien ceased to exists and the alien failed to report this fact to the police unit,
6. He/She frustrates the execution of a decision of state authorities or
7. He/She otherwise seriously violated or repeatedly violates generally binding legal regulations.

(2) If there are several reasons for administrative expulsion under paragraph 1, the police unit will determine the period of expulsion according to the strictest provision.

(3) Where one of the reasons for administrative expulsion is a reason referred to in paragraph 1 sub-paragraph c)i, an appeal against the decision on administrative expulsion does not have the effect of suspending the enforcement of the decision. This does not apply to an alien whose application for the status of refugee according to a special regulation was rejected.

(4) An alien in respect of whom a decision on administrative expulsion was issued is obliged to leave the country within the time limit prescribed in the decision; such time limit may not exceed 30 days after entry into force of the decision.

(5) Where an alien resides in the Slovak Republic on the basis of residence permit, the police unit may order the place of his residence until the decision on administrative expulsion enters into force.

(6) Upon the enforceability of the decision on administrative expulsion, the police unit will record data on the alien, the period of expulsion and grounds on which the decision was issued. Such records are kept in the register of undesirable persons. The Ministry of Interior discards alien out of the register of undesirable persons upon the expiration of his expulsion period.

Sub-paragraph 2 (f):

What does Slovakia mean when it says that it is bound by international agreements providing the legal assistance with respect to a "sufficient number states"?

The Slovak Republic has concluded bilateral agreements of legal assistance in criminal matters

with a number of countries (for instance, Afghanistan, Albania, Algeria, Armenia, Azerbaijan, Byelorussia, Bosnia and Herzegovina, Bulgaria, Cyprus, Czech Republic, Greece, Croatia, Yugoslavia, Yemen, Kazakhstan, North Korea, Cuba, Macedonia, Hungary, Moldavia, Mongolia, Poland, Austria, Rumania, Russia, Slovenia, Syria, Italy, Tajikistan, Tunisia, Turkmenistan, Ukraine, Uzbekistan, Vietnam) and is a State Party to all multilateral conventions on legal assistance referred to in sub-paragraph 3 (c). The Slovak Republic concluded agreements on the extradition of offenders with Belgium, Ireland, South Africa, Canada, Luxembourg, Monaco, New Zealand, Portugal and the USA.

Sub-paragraph 2 (g):

Could Slovakia please describe how the procedures for the issuance of identity papers and travel documents prevents the counterfeiting, forgery or fraudulent use of those documents

The requirements of the issuance, withdrawal, types of travel documents as well as the rights and duties of Slovak nationals and persons without nationality permanently residing in the Slovak Republic and non-compliance procedures are governed by Act No. 381/1997 on travel documents. Under this Act, a travel document (as well as identity card) is a public document. The Act stipulates the following types of travel documents:

a) Travel passport,
b) Diplomatic passport,
c) Service passport,
d) Travel card,
e) Travel identity card,
f) Other documents.

In his/her application for a travel document, the applicant is obliged to provide true and complete data. The authenticity and comprehensiveness of such data must be accompanied with relevant documents. Where an applicant fails to prove the authenticity and completeness of required data by submitting relevant documents, he is obliged to submit background documents for the purpose of verification.

Under Article 26 of this Act, an administrative offence is committed by a person who

a) Crosses the state border without having a valid travel document, unless it is permitted by an international agreement;
b) Has a valid travel document, but crosses the state border not at the point of entry assigned for international traffic, unless such state border crossing is permitted by an international agreement;
c) Has a valid travel document, but crosses the state border when the border crossing is closed;
d) Unlawfully seizes somebody else's travel document or misuses such document;
e) Carries out or orders unlawful modifications in the travel document;
f) Intentionally uses an unlawfully modified travel document;

g) Intentionally avoids or refuses to be examined by the control of travel documents by state border crossing;
h) Provides a travel document to other person for the purpose of its misuse;
i) Violates other obligation laid down by this Act, if such doing makes the implementation of tasks and duties of state administration difficult;
j) Frustrates the enforcement of a decision on withdrawal of a travel document.

Offences set forth in sub-paragraphs a) to h) of the Act may be sanctioned by a financial penalty up to SKK 10,000. The offence set forth in sub-paragraph i) may be sanctioned by a financial penalty up to SKK 1,000.

The Slovak Ministry of Interior is in charge of the central register of issued documents. The register contains all relevant data on Slovak travel documents. At present, the exchange of information counter-terrorism (notably information on counterfeited public documents) is channelled through National Centre of Interpol.

Similarly to the issuance of travel documents, the requirements and conditions for the issuance of identity cards are governed by Act No. 162/1993 on identity cards. The design of identity card took into consideration the requirements specified by the International Standardisation Organisation based in Geneva (i.e. the relevant ISO standard) and the International Civil Aviation Organisation (i.e. ICAO standard 9303 for machine-readable documents). Each Slovak national who reached age 15 and permanently resides in the Slovak Republic shall possess an identity card. Identity cards are issued and records in them are made by the District Directorates of the Police Force (Police Unit") according to the permanent residence of national. A national applying for an identity card shall submit all documents required by the Act and he/she must show in person to be issued the identity card physically. The receiving of the card and authenticity of data recorded must be confirmed by cardholder's signature.

To ensure the application of a unified procedure for the issuance and registration of identity cards by all police units, internal regulations were adopted. These regulations are confidential. The relevant police units maintain a consolidated and detailed register of identity cards. Such records are subject to control carried out by the superior units of the Police Force, as required by Act No. 10/1996 on control in state administration.

Travel documents as well as identity cards are public documents and any counterfeiting, forgery and fraudulent use of such public document is considered a criminal offence under Article 176 of the Penal Act. Such offence is subject to a sentence of imprisonment up to two years or pecuniary punishment. A perpetrator is sentenced to 1-5 years if he committed such crime as a member of organized group or if such crime causes extensive harm or other extraordinary serious consequence.

Sub-paragraph 3 (a):

Does the co-operation arrangement currently existing in Slovakia extend beyond Europe and NATO member countries?

As of 1 December 2001, Articles 77a to 77c of the Police Force Act No. 171/1993 (see also answer under sub-paragraph 2 (b) in respect of the early warning system) provide a basis for the co-operation in the exchange of operational information, involving police forces of countries outside Europe and countries that are not members of NATO.

Sub-paragraph 3 (d):

Please report on progress with legislation to give effect to the International Convention for the Suppression of the Financing of Terrorism.

See answer under sub-paragraph 1 (b).

Please report on progress of the Bill giving effect the International Convention for the Suppression of the Financing of Terrorism.

On 10 June 2002, the Slovak Government submitted the International Convention for the Suppression of the Financing of Terrorism for the approval of Slovak Parliament. The ratification process of the Convention is expected to be completed by the end of July 2002.

Sub-paragraph 3 (e):

Has the criminalisation of acts listed in the International Convention for the Suppression of the Financing of Terrorism already been incorporated in the Slovakian Penal Code or is that proposed to be done as mentioned in sub-paragraph 2 (f)?

See answer under sub-paragraph 1 (b).

Have the crimes specified in the relevant international conventions been included as extraditable offences in the bilateral treaties which Slovakia has concluded with other countries?

On the basis of bilateral agreements on legal assistance, which also include provisions on extradition, the Slovak Republic is, upon request of other party, obliged to initiate a criminal procedure against its national who has committed an offence in the other contracting party's territory where such offence is a criminal offence under the legal systems of both Parties. Furthermore, under the terms and conditions specified by the relevant agreement the Slovak Republic is obliged to extradite persons for the purpose of their criminal prosecution or imprisonment for an offence that is considered a criminal offence under the legal systems of both Parties. Crimes referred to in the relevant anti-terrorist international conventions, to which the Slovak Republic is a Party, have already been implemented into the criminal codes of the Slovak Republic. These crimes are also included in the provisions of bilateral agreements on legal

assistance. After adoption of the amendment to the Penal Code by the Slovak Parliament, "terrorism" will also become an extraditable criminal offence.

On the basis of agreements, referred to in sub-paragraph 3 (c) of the Slovak Republic Report to the CTC (i.e. agreements on co-operation in the field of the fight against terrorism, illegal trafficking in narcotic drugs or other organised crime), the parties have been co-operating in their efforts to combat terrorism, illegal cultivation, acquisition, production, import, export, transportation, illegal possession and trade in narcotic drugs and precursors, as well as radioactive material and other organised crime, the prevention of such crime, detection of perpetrators of such crimes as well as the exchange of information and documents and other relevant data on matters covered by the above-mentioned agreements. Such agreements do not contain provisions on extradition.

Sub-paragraph 3 (f):

Does Article 8, sub-paragraph c of the Slovak refugee Act, allow refusal of refugee status to a foreigner who has been involved in, but not convicted of, terrorist activity? If not, what other provision (if any) does so or what is proposed in this respect?

Article 53 of the Slovak Constitution stipulates that asylum may be refused to a person who has acted in contradiction with the fundamental human rights and freedoms.

Under Article 8 of the Refugees Act No. 283/1995, the Ministry of Interior does not grant refugee status to an alien if he/she

a) Does not comply with the requirements laid down by Article 7 of the Act;
b) Has committed a crime against peace or humanity;
c) Comes from a country that the Slovak Republic considers a safe third country or a safe country of origin (the list of such countries is contained in the Governmental Decree No. 67/1996 as amended by Decree No. 168/2000 and is regularly updated). This does not apply if an alien proves it is not the case of this country or if he has repeatedly applied for refugee status and proceedings to grant such status was discontinued.
d) Was convicted of committing intentionally a serious crime;
e) Was found guilty of acts contradictory to the objectives and principles of the UN Charter;

Under Article 4, paragraph 8, a person who has applied for refugee status may not be extradited or returned to the country where he would be exposed to the danger of torture, inhuman treatment or death penalty on the grounds of race, nationality or religion, political affiliation or social status. This does not apply to any person in respect of whom there are serious indications that such person could present danger to the Slovak Republic or who has been convicted of committing intentionally a serious crime.

Under Article 9 paragraph 1, the Ministry of Interior shall withdraw refugee status if refugee committed a serious crime, for which he was convicted. Under Article 9, paragraph 2, the Ministry may withdraw refugee status when it has been proven that such status was granted to the refugee on the basis of false data or counterfeited documents.

The provision of Article 53 of the Constitution as well as the provision of the above-referred Act must be interpreted in the light of Article 50 paragraph 2 of the Constitution, which enshrines the general legal principle of presumption of innocence. Taking into consideration the above specified, refugee status must not be refused to a refugee who has not been found guilty for terrorist activities. The Slovak Republic has not yet encountered such a case.

It was already mentioned in sub-paragraph 3 (f) of the Slovak Republic Report to the CTC that the proposed wording of the new Asylum Act (which is expected to come into effect as of 1 January 2003), in its Article 13, fully respects and implements the exclusive clause of Article 1f of the 1951 Refugees Convention. The proposed provision reads as follows:

The Ministry of Interior of the Slovak Republic shall not grant asylum in the case of justified suspicion that the applicant

a) Has committed a criminal offence against peace, a war crime or a crime against humanity according to international instruments containing provisions on such crimes;
b) Has committed a serious non-political crime outside the territory of the Slovak Republic before he applied for asylum or
c) Is guilty of offences that breach the objectives and principles of the United Nations.

The exclusion of persons involved in terrorist acts from protection under the 1951 Refugees Convention may be based on any of the three reasons specified in Article 1f (Article 13 paragraph 1 of the proposed Act). In such cases, the alien applying for asylum and who has been involved in terrorist acts does not have necessarily to be found guilty. It suffices if there is justified suspicion that the applicant has committed acts set forth in Article 13 sub-paragraph 1 a) or b) or is guilty of crimes set forth in Article 13 sub-paragraph 1 c).

Sub-paragraph 3 (g):

Apart from the provisions of the Refugee Act, what (if any) are there provisions in any other laws ensuring compliance with sub-paragraph 3 (g)?

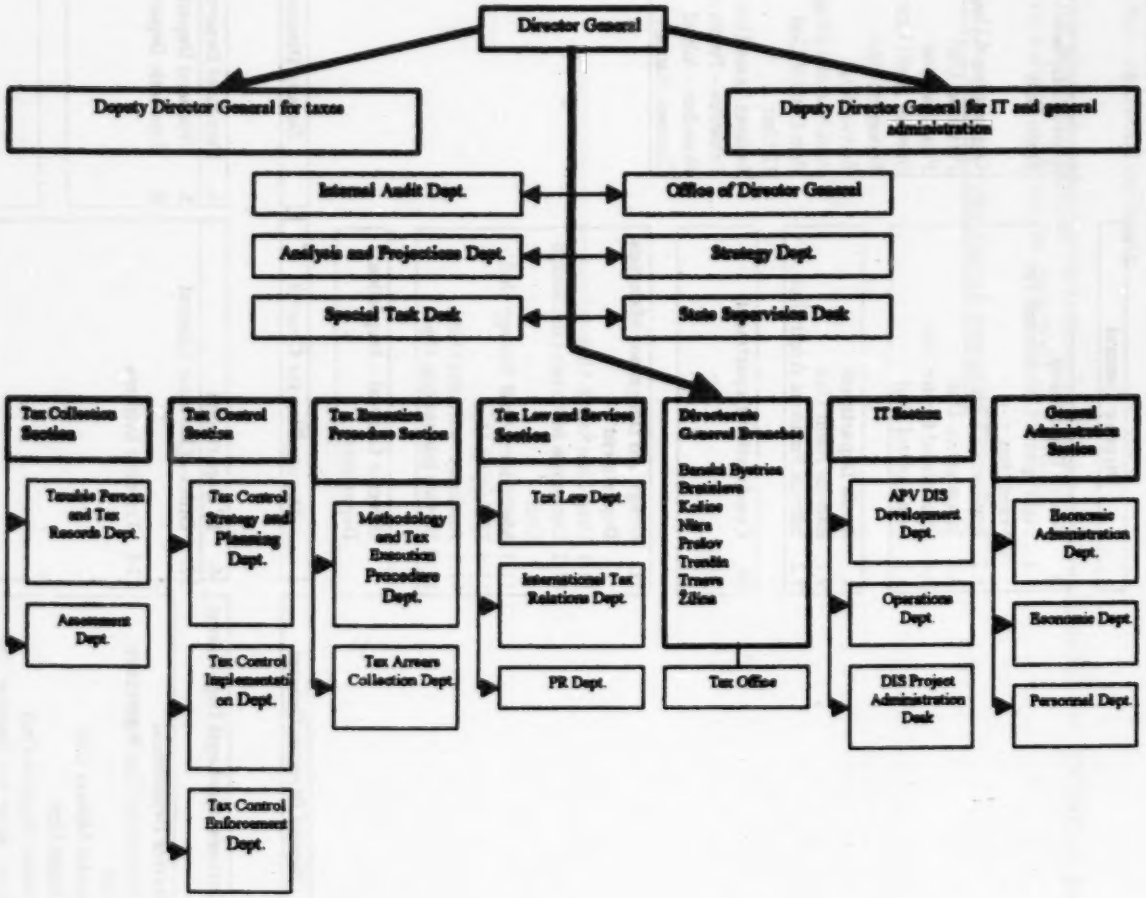
Where an applicant for refugee status is suspect of terrorist activities, he may also be detained and prosecuted in the Slovak Republic or upon the request of another country he may be extradited in criminal proceedings to the requesting country on the basis of agreements on mutual legal assistance. Information on such person can be provided to other countries, measures designed to freeze his property may be implemented, etc.

Annexes:

1. Organisational chart of taxation authorities of the Slovak Republic
2. Organisational chart of customs authorities of the Slovak Republic
3. Financial supervision authorities of the Slovak Republic
4. Organisational chart of the Police Force of the Slovak Republic

Annex 1

Organisational chart of taxation authorities of the Slovak Republic



Annex 2

Organisational chart of customs authorities of the Slovak Republic

Director General

3. Search Department
3.1. Fight against Customs and Tax Fraud Unit
3.2. Intelligence Unit
3.3 Investigation Unit
3.4 Operational Centre Unit
3.5 Post Control Unit

9. Audit Department
9.1. Internal Audit Unit
9.2. Internal Financial Audit Unit

10. Construction Department

11. Drugs and Dangerous Materials Department
11.1 Drug Line Search Unit
11.2 Dangerous Materials Line Search Unit
11.3 Methodology and Strategy Unit
11.4 IT Support Unit
11.5 Auxiliary Activities Unit
11.6 Service Intervention Unit

Director General – Inspection Department

Customs Offices
Legal Unit

Organisational Unit
Personnel Unit
Financial Unit
Internal Audit Unit
Economic Unit
Service Unit
Anti-Narcotic Drugs Unit
Post Control Unit
IT Unit
Indirect Taxes Unit
Branches – Points of Entry
Branches – Inland
Customs Stations

Deputy Director General

1. Customs-and-Legal Department

2. Service Department
2.1. Customs and Tax Supervision Unit
2.2. Border Matters Unit
2.3. Transit Unit
2.4. Control Regimes Unit
2.5 Arms, Ward and Training Unit

12. Indirect Taxes Department

13. Customs Tariffs Department
13.1 Customs Tariff Integration Unit
13.2 Nomenclature Unit
13.3 Origin of Goods Unit

Deputy Director General

6. IT Department
7. Office of Director General

14. Training Institute

Deputy Director General

4. Personnel Department
5. Financial Department
8. Economic Department

Annex 3

Financial Supervision Authorities

1. ***National Bank of Slovakia*** – is responsible for supervision under Section 6 sub-section 1 of Act No. 483/2001 on banks

2. ***Office for Financial Market*** - is responsible for supervision under Act No. 95/2002 on the insurance industry and Act No. 566/2001 on securities

3. ***Ministry of Finance of the Slovak Republic***

Annex 4

Units of the Police Force Presidium in charge of the implementation of measures resulting from UN Security Council Resolution No.1373 (2001)

1. ***Administration of the Criminal and Financial Police of the Police Force Presidium:***
- Financial Police Office
- Criminal Police Office
- Organised Crime Office
- National Anti-Drug Unit

2. ***Police Force Presidium:***
- Border and Alien Police Office

a/ Migration Office of the Ministry of Interior of the Slovak Republic

b/ Central Visa Authority
- Patrolling Police Department
- Traffic Police Department
- International Police Co-operation Office